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10/562,321

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Detlef Hulverscheidt JR.

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3426

7590

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EXAMINER

HUYNH, LOUIS K

ART UNIT

PAPER NUMBER

3721

MAIL DATE

DELIVERY MODE

11/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                              |  |
|------------------------------|--------------------------------------|----------------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/562,321 | <b>Applicant(s)</b><br>HULVERSCHEIDT, DETLEF |  |
|                              | <b>Examiner</b><br>Louis K. Huynh    | <b>Art Unit</b><br>3721                      |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 12-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 12-25 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made without traverse in the reply filed on 11/20/2007.

### ***Drawings***

2. The replacement drawing sheet of FIGS. 6a & 6b was received on 7/23/2008. The drawing is approved.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrase “cuttingly severed from the workpieces” recited in the amended claim 1 cannot be found in the originally filed specification.

5. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that

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the inventor(s), at the time the application was filed, had possession of the claimed invention.

The originally filed specification does not disclose and/or teach an adhesive device (claim 7) that cuttingly sever the blank from the workpiece by processing a line comprising adhesive points.

Note that claim 7 depends on claim 1 and all processing lines processed by the processing device of claim 1 must “cuttingly severed” the blank from the workpiece.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1, line 3: “cuttingly severed” renders the claim indefinite for not being supported by the specification.
- Claim 1, line 9: “subject to blanking” is indefinite because it is unclear as to what blanking applicant is referring.
- Claim 7, lines 2-3: “the processing device is an adhesive device” renders the claim indefinite because the adhesive device cannot cuttingly sever the blank from the workpiece by processing a line comprising adhesive points.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6 & 11, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Baron (US 2003/0206211).

- With respect to claims 1 & 11, Baron discloses a method for producing blanks that meets all of applicant's claimed subject matter; in particular, the method of Baron comprises the steps of: scoring a piece of paper (25) with a plurality of score lines (26A) using a scoring printer (30); wherein the scoring lines include longitudinal score line, transverse score line and diagonal score line, and wherein the scoring device (30) includes a scoring head (94) that moves parallel to the plane of the piece of paper (25) and is controlled by a computer (24) to score the piece of paper (25) according to a predetermined scoring indicia (26). Note that the scoring head (94) can be equipped with a variety of scoring pins (FIGS. 10A-F), some of which having cutting edges that can cuttingly sever the paper; thus meets the claimed “cutting severed” recited in claim 1.
- With respect to claims 2 & 3, the order in which the diagonal score line is produced before or after with respect to the longitudinal and transverse score lines depends greatly on the complex of the scoring indicia (26) which may include curve or straight lines, some may be scored before the other and vise versa;

therefore, the order of the diagonal score line with respect to the longitudinal and the transverse score lines is anticipated by the method of Baron.

- With respect to claim 4, the score lines are produced by a scoring head (94) which is a cutter.
- With respect to claim 5, a score line is a continuous cut line that includes holding points for holding the scored piece of paper together.
- With respect to claim 6, the score lines are produced by the scoring head (94) mounted in a printer (30) which is controlled digitally by a computer (24).

10. Claims 1 & 7-10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Viggiano et al. (US 6,129,040).

- With respect to claims 1 & 7, Viggiano discloses a method for applying an adhesive pattern (3) on a workpiece (1) that meets all of applicant's claimed subject matter; in particular, the method of Viggiano comprises the steps of: dispensing a pattern (3) of adhesive onto the workpiece (1) in accordance with a pre-programmed pattern using a dispensing head (5) mounted on a carriage (10) for movement in the horizontal direction while maintaining a precise position in the vertical direction with respect to the workpiece (1). Note that the specification does not disclose an adhesive device that processes a line that would cuttingly sever the blank from the workpiece, but rather discloses a processing device (7) for applying adhesive that is distinct from a processing device for cutting the

blank from the workpiece (the embodiments of FIGS. 4A & 4B); therefore, a method for applying adhesive without cutting is used to reject the claims.

- With respect to claim 8, the movement of the dispensing head (5) must be in accordance with a programmed sequence (col. 2, line 64 – col. 3, line 8), which inherently included in the method of Viggiano a computer for digitally control the movement of the dispensing head.
- With respect to claim 9, the dispensing head (5) is fully capable of being activated pointwise based on the programmed sequence.
- With respect to claim 10, the dispensing head (5) is fully capable remaining activated during controlled travel for dispensing a continuous line of adhesive.

### *Response to Arguments*

11. Applicant's arguments with respect to claims 1 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 28, 2008

/Louis K. Huynh/  
Primary Examiner  
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